

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 22, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

JODIE R.¹,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:19-CV-03226-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 14, 21

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 21, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Leisa Wolf

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 represents Defendant. The parties have consented to proceed before a magistrate
2 judge. ECF No. 8.

3 After consideration, **IT IS HEREBY ORDERED** that:

4 1. The parties' Stipulated Motion for Remand, **ECF No. 21**, is **GRANTED**.

5 2. The above-captioned case be **REVERSED** and **REMANDED** to the
6 Commissioner of Social Security for further administrative proceeding pursuant to
7 sentence four of 42 U.S.C. § 405(g).

8 On remand, the parties stipulate that the ALJ will:

- 9 (1) Take further efforts to develop the administrative record;
10 (2) Evaluate the evidence from Dr. Cho that was not admitted into the record
and reevaluate the opinion evidence from Donna Lopaze, LMHC
11 providing specific reasoning for the weight given to the opinion
evidence;
12 (3) Reassess Plaintiff's maximum residual functional capacity;
13 (4) If warranted, obtain supplemental vocational expert evidence to clarify
the effect of the assessed limitations on Plaintiff's ability to perform
14 other work in the national economy;
(5) Offer Plaintiff an opportunity for a hearing; and
(6) Issue a new decision.

15 ECF No. 21 at 2.

16 3. Judgment shall be entered for **PLAINTIFF**.

17 4. Plaintiff's Motion for Summary Judgment, **ECF No. 14**, is **STRICKEN**
18 **AS MOOT**.

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1 5. Upon proper presentation, this Court consider Plaintiff's application for
2 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

3 The District Court Executive is directed to enter this Order, **enter**
4 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

5 DATED April 22, 2020.

6 s/Mary K. Dimke
7 MARY K. DIMKE
8 UNITED STATES MAGISTRATE JUDGE
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